

August 9, 1967

CONGRESSIONAL RECORD — HOUSE

H 10225

public place who the officer reasonably suspects is committing, has committed, or is about to commit a felony or "a violation of the article of the criminal code dealing with gambling and related offenses."

The bill says nothing about gambling and related offenses. It refers instead to article 24 of the criminal code, which deals with unlawful use of weapons. The governor's reference to "gambling and related offenses" is mystifying.

The veto message also refers to a "relatively minor" change made in the bill since it was first passed by the legislature in 1965. Under the 1965 bill an officer frisking a suspect could have seized weapons and other objects which the policeman reasonably suspected had been used in the commission of a crime or might be used in the commission of a crime. The 1967 bill limited the power of seizure to weapons and permitted an officer to search for weapons only if he believed he was in danger of attack.

The change in the two bills therefore was hardly "minor." Indeed, the chief aim of the 1967 bill was only to help police get convictions of persons carrying concealed weapons in violation of the law.

It is now lawful for the police to stop persons acting suspiciously in public places and to question them. It is also lawful for a policeman to frisk a suspect, if the policeman believes he is in danger of attack. The courts here generally hold, however, that if the policeman finds a pistol in the search, the weapon cannot be used as evidence against the suspect. The "stop and frisk" bill would have permitted police to prosecute such gun toters successfully.

Most of Gov. Kerner's veto message is a repetition of his 1965 veto message, which raised questions about the constitutionality of police detention and searches. These questions have been dealt with by the New York Court of Appeals, which has upheld that state's "stop and frisk" law. The United States Supreme court has consented to hear an appeal involving the New York law and a similar Louisiana statute. Illinois police officers will be without the protection of a "stop and frisk" law, at least until the 1969 session of the legislature. Gov. Kerner's veto was a mistake.

ABM

DEPLOYMENT OF ANTIBALLISTIC MISSILE SYSTEM

(Mr. RHODES of Arizona (at the request of Mr. SCHADEBERG) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RHODES of Arizona. Mr. Speaker, the House Republican policy committee urges the Johnson-Humphrey administration to provide the American people with an effective antiballistic missile system. The Soviets have been building and deploying their ABM system for some time. The Joint Chiefs of Staff unanimously support the position that this country should now proceed to deploy. Congress has appropriated sufficient funds for this purpose. The Joint Committee on Atomic Energy has warned:

A low order of magnitude attack could possibly be launched by the Chinese Communists against the United States by the early 1970's. At present we do not have an effective anti-ballistic missile system which could repel such a suicidal (for the Chinese) but nevertheless possible strike.

Time and the rush of events demand action.

As early as 1963 there were rumors that the Russians were developing an ABM defense. However, Secretary Mc-

Namara when questioned about this, engaged in a dialog of evasion that appeared to deny that the Soviets had such a system. It was not until November 10, 1966, 2 days after the 1966 election, that McNamara announced there was considerable evidence of the existence of a Soviet ABM system. Moreover, information from the intelligence community now indicates that the Soviets are indeed deploying one and possibly two ABM systems. Also, the Soviets probably will extend and improve their defenses over the coming year and they have accelerated the deployment of hardened offensive intercontinental ballistic missiles.

It is significant that in response to a news conference question about the Soviet antiballistic missile system, Gen. Paul G. Kurochin, head of the Soviet Frunze Military Academy, stated that missiles fired at the Soviet Union would not hit their targets. He also stated:

Detecting missiles in time and destroying them in flight is no problem.

Under the circumstances, it is little wonder that Soviet Premier Kosygin has given no encouragement to hopes for a moratorium on antiballistic missile defense development as a means of limiting the arms race between the great powers.

There is a continuing split between Secretary McNamara and the entire Joint Chiefs of Staff on the antiballistic missile defense question. For years the Joint Chiefs of Staff have unanimously supported the position that this country should deploy Nike X. The Chairman of the Joint Chiefs of Staff, General Wheeler, testified that he had gone to President Johnson on his own initiative to present the Joint Chiefs' case. According to General Wheeler:

The Soviets will undoubtedly improve the Moscow system as time goes on and extend ABM defense to other high priority areas of the Soviet Union.

In his opinion, the Soviet objective is "to achieve an exploitable capability, permitting them freedom to pursue their national aims at conflict levels less than general nuclear war."

On March 10, 1967, Gen. Harold Johnson, the Chief of Staff of the U.S. Army, in his testimony before the House Appropriations Committee, clearly expressed the position of the professional military leaders when he stated:

When do we stop discussing and when do we reach a decision point?"

With the shock of the recent Chinese thermonuclear explosion on June 17, 1967, efforts to downgrade the potential menace of Communist China have disappeared. It took the United States 8 years to move from the atomic bomb to the hydrogen bomb. It took the Soviet Union 4 years to accomplish the same result. In just 2 years and 8 months, Red China has joined the H-bomb club. In a recent report on the Red Chinese threat, the Joint Committee on Atomic Energy stated:

We believe that the Chinese will continue to place a high priority on thermonuclear weapon development. With continued testing, we believe they will be able to develop a thermonuclear warhead in the ICBM weight class with a yield in the megaton range by

about 1970. We believe that the Chinese can have an ICBM system ready for deployment in the early 1970's. On the basis of our present knowledge, we believe that the Chinese probably will achieve an operational ICBM capability before 1972. Conceivably, it could be ready as early as 1970-71.

It has been estimated that from 5 to 7 years, from the time the go-ahead is given, would be needed to deploy even a thin U.S. antiballistic missile defense. Any lingering doubt over whether or not such a system should be developed has been dispelled by China's amazing progress with nuclear weapons. In a report dated August 4, 1967, the Senate Committee on Appropriations noted that during fiscal year 1968, there will be approximately \$970 million available for an ABM defense system. The committee also stated:

The Congress has met its constitutional responsibilities in this matter, and the responsibility for further delaying this system clearly rests with the executive branch of the government.

These funds must be put to use without further delay. The secret of mass destruction is now in the hands of those who may be tempted to use it. Our defenses must be prepared to meet this challenge.

CONTE'S PLAN FOR VIETNAM

(Mr. MORSE of Massachusetts (at the request of Mr. SCHADEBERG) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE of Massachusetts. Mr. Speaker, yesterday I called the attention of the House to the thoughtful address on Vietnam of our distinguished colleague, the gentleman from Massachusetts [Mr. CONTE], last Saturday in Dalton, Mass.

On Monday, August 7, one of the leading newspapers in Massachusetts, the Berkshire Eagle, commented favorably on Mr. CONTE's remarks, commending him for his courage and thoughtfulness in proposing alternatives to the present course of action in Vietnam. I include the text of the editorial in the Record:

CONTE'S PLAN FOR VIETNAM

A lot of people were probably surprised that Congressman Conte chose Saturday's "Back the Boys" rally in Dalton as the occasion for proposing an end to bombing of North Vietnam. Certainly it would have been a lot easier—and politically safer—for him to have wrapped himself up in the flag with a ringing endorsement of our present policies.

But in point of fact there was nothing inconsistent between the speech and the occasion. The best thing that we can do for the boys in Vietnam is to bring the slaughter to an early and honorable end. What Congressman Conte has put forward is a possible means of achieving this.

His proposal is in two parts: first, an unconditional bombing moratorium and, second, the construction of a 175-mile wide military barrier across South Vietnam and Laos to block infiltration from the north. It is not a wholly new idea, but it is one that deserves more top-level consideration than it has ever received.

It is a plan based upon a fact which the Johnson administration has been unwilling to acknowledge: namely, that the bombing of North Vietnam has signally failed to do what it was supposed to do. It was supposed

to halt the movement of troops from North to South Vietnam and to pressure the Hanoi regime into agreeing to negotiate.

Since the bombing began, there has been a five-fold increase in infiltration from North to South Vietnam. And far from bringing Hanoi to the bargaining table, the bombing has become an insuperable obstacle to the initiation of negotiations. If there is one thing that has been made crystal clear by now it is that the Communists have no intention of talking until the bombing has ended.

No doubt there are formidable military and diplomatic obstacles to the barrier plan which Congressman Conte proposes as an alternative to continued bombing. But insofar as cost is an objection, he has answered this effectively by pointing out that it would involve a far smaller outlay than is represented by the more than 600 U.S. planes that have already been lost over North Vietnam. And this doesn't even take into account the immeasurable cost of the bombing policy in terms of diminishing U.S. prestige throughout the world.

But the specifics of the Conte plan are of secondary importance. The primary significance of his Dalton speech was in driving home the point that there are alternatives to the Johnson policy of endless escalation in pursuit of a phantom military "victory."

"In the final analysis," he said, "the best way of combatting communism is to end human misery, suffering, degradation and poverty wherever it may exist." We are not going to do this by pouring more American boys and more billions of dollars into the bottomless pit of Vietnam, and Congressman Conte deserves the gratitude of his constituents for having the courage to say so.

MUTUAL DEESCALATION

(Mr. MORSE of Massachusetts (at the request of Mr. SCHADEBERG) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE of Massachusetts. Mr. Speaker, I call the attention of the House to additional expressions of editorial interest and support for the proposal for a gradual, mutual deescalation of the war in Vietnam put forward by eight Republican Members on July 10. I include editorials from the Pueblo, Colo., Star Journal; the Waterbury, Conn., Republican; the Des Moines, Iowa, Tribune; the Iowa City Press Citizen; the Wichita Eagle, and the Idaho Falls Post Register: [From the Pueblo (Colo.) Star-Journal, July 14, 1967]

TO ESCALATE OR DEESCALATE?

"We are winning the war—but . . ." was the message given to Secretary Robert McNamara by field commanders during the ninth visit by the secretary of defense to Vietnam.

The "but" translates into a call for still more troops to be added to the 466,000 there at present. McNamara and Gen. Westmoreland conferred with the President and all agreed that more troops are needed but no figure was set. It may approximate 50,000 to 60,000.

This number, we are told, is the minimum needed to complete the job begun by a relative handful of American advisors only a few short years ago.

Yet behind the now somewhat guarded and muted predictions of eventual victory for the cause of democracy lies the sobering belief of the generals that this many troops will be required solely to keep us on top of the Viet Cong and North Vietnamese during the coming months.

For the fact is that escalation has been met by escalation since the beginning. Communist troop strength is higher than it has ever been, despite the bombing of North Vietnam and ever-increasing battle losses.

McNamara described more than the immediate situation when he said at Da Nang: "Our casualties are high but we have also inflicted high casualties on North Vietnamese army units."

What he describes was the situation as it was in 1965 and 1966 and as it is likely to be in 1968. Only the numbers have been changed—for the higher.

It is often forgotten that escalation is not the prerogative only of this country. Options open to the Communists include a step-up of terrorist bombings in Saigon and other South Vietnamese cities; the infiltration in even greater numbers of the large North Vietnamese standing army; the use of Communist "volunteers" from other countries; the opening of diversionary action in Korea.

This was emphasized by eight Republican congressmen the other day as they introduced a scheme for a de-escalation of the war that would steer a middle course between "those who would bomb more and those who would bomb less."

Representatives Morse of Massachusetts, Dellenback of Oregon, Esch of Michigan, Horton of New York, Mathias of Maryland, Mosher of Ohio, Schweiker of Pennsylvania and Stafford of Vermont propose a halt to all bombing in North Vietnam north of the 21st parallel for 60 days. This would exempt the city of Hanoi but not the port of Haiphong.

If the North Vietnamese respond with a similar de-escalatory step, such as dismantling major supply depots along the Ho Chi Minh Trail, the United States would then end all bombing north of the 20th parallel for a like 60-day period—and so on down in five steps until the 17th parallel dividing North and South Vietnam was reached.

The staged de-escalation plan would produce a growing atmosphere of mutual confidence, think the congressmen. Its virtue is that most military targets are in southern North Vietnam.

Thus, should the North Vietnamese fail to respond to the first bombing limitation, bombing could be resumed north of the 21st parallel without having caused the military effort in South Vietnam any disadvantage, they believe.

Would such a plan work? The congressmen honestly don't know. Their proposal is put forth not as a panacea for Vietnam but in the belief that the best chance for peace lies in small steps, taken quietly, that make the position of each side credible to the other.

That we are willing to invest another 50,000 or more men in Vietnam is probably quite credible—and acceptable—to Hanoi. That we are ready to de-escalate by small steps, however, is something that does not seem to have been made as credible to them as it might be.

[From the Waterbury (Conn.) Republican, July 11, 1967]

STEP BY STEP

The proposal by a group of Republican congressmen that the United States take the initiative in a step-by-step slowing down of the Vietnam war merits serious consideration.

The group, whose spokesman is Massachusetts' Rep. F. Bradford Morse, suggests that the United States halt all bombing in North Vietnam north of the 21st Parallel for 60 days. This area includes Hanoi but not the port city of Haiphong.

If North Vietnam responded with a similar conciliatory move of its own within that period, the United States would proceed to Step Two: It would halt bombing north of the 20th Parallel for 60 days. And so on

through three more limited steps designed to lead to peace negotiations, through corresponding de-escalation moves by both sides.

Rep. Morse doesn't offer the plan as the ultimate in Vietnam solutions. But he and the seven other congressmen who share his views believe it offers more promise than the present war policy of the Administration. In its insistence that the first step toward de-escalation be taken by North Vietnam the Administration is following a policy that is inflexible and dangerous, they believe.

There is much to be said for the viewpoint that peace lies not in giant power or giant concessions.

Rep. Morse claims that by halting the bombing in stages, by tying each successive stage to an equivalent response by North Vietnam, the military risks taken by the United States would be minimized.

Rep. Morse submitted the plan to the Administration some time ago but drew no reaction.

It is to be hoped that more members of both House and Senate will take up the plan. It certainly offers more, on the face of it, than the totally rigid stand of the Administration or anything proposed to date by either hawks or doves.

[From the Des Moines (Iowa) Tribune, July 12, 1967]

STAGED CUTBACKS IN THE WAR

Republicans have been split three ways on Vietnam policy. Some support the Johnson Administration, some attack it for keeping the war limited, some attack it for getting the country in so deep in a quagmire.

The eight Republican congressmen who proposed a plan for "staged de-escalation" Monday, however, did it in the spirit neither of supporting or attacking the Administration, but of being helpful to it and to their country.

Representative F. Bradford Morse (Rep., Mass.) and seven others called for a series of small steps taken one at a time, with a pause after each for the other side to respond. They take seriously the Administration's claim that the war is still a limited war for limited objectives. They would like to make sure this remains true, and move it toward the eventual peace table sooner rather than later, in an atmosphere of decreasing violence rather than increasing violence.

At the same time they recognize the military and political obstacles to an immediate, complete halt in the bombing of North Vietnam, the "first step" urged by so many would-be de-escalators, including United Nations Secretary General U Thant. So they suggest instead as a first step a 60-day announced pause in bombing North Vietnam north of the 21st parallel of latitude. This would halt bombing of Hanoi, but not of Haiphong. It would leave open for continued bombing all the routes from North Vietnam into South Vietnam via Laos or otherwise.

If during this 60-day period, North Vietnam undertook a similar step of de-escalation, the Republican congressmen suggest, the United States would immediately take a second step. It would halt bombing in North Vietnam north of the 20th parallel for 60 days. And so on.

Thus it would take five steps to reach the 17th parallel, and four steps in response by North Vietnam. Acceptable steps by North Vietnam, the congressmen suggest, might be such things as cessation of shipments to and from specific military supply depots in the southern part of North Vietnam; nonuse of specific supply routes along the Ho Chi Minh trail; withdrawal of all MIG fighter planes to far northern North Vietnam; release of U.S. prisoners of war, etc.

All these suggested steps are just "for instance." The point the Republican congressmen want to get across is reciprocal de-es-